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Thursday, July 23, 2015

Via ECF & Fax: (609) 989-0451

Magistrate Judge Douglas E. Arpert

RE: Erin & Fred Montgomery v. Rider University, et al.
No.: 15-1840

Your Honor:

Pending before this Honorable Court in the above-captioned matter is plaintiffs' depositions noticed for July 27 & 28, 2015. The undersigned represents plaintiffs.

Plaintiffs respectfully request an emergency teleconference with this Honorable Court towards entry of the attached proposed order.

As plaintiffs live well out-of-state, in anticipation of their above-referenced upcoming and defense noticed depositions, plaintiffs purchased plane tickets to attend. However, defendants have now adjourned those depositions so that defendants may examine plaintiffs as to the results of later medical record retrievals (Plaintiffs anticipate written discovery responses prior to depositions) (Exh. A). In the alternative, to adjournment, defendants have requested plaintiffs attend a second session of depositions – at plaintiffs' expense.

As to the medical records, this is an employment discrimination matter: not a personal injury case. While plaintiffs have not objected to the request for authorizations towards medical records, and have supplied those authorizations, those medical records will have very little if any bearing on plaintiffs' depositions. To the extent those records are deposition relevant, plaintiffs have offered to submit themselves to reconvened depositions by telephone (at no expense) or in-person depositions (at defendants' expense) – which defendants have rejected. To wit, in any action, medical records most often follow depositions – not precede them.

Above all, it was Defendants that noticed Plaintiffs depositions for these dates.

Thank you for this Honorable Court's consideration of plaintiffs' request for entry of the attached proposed order upon teleconference. Of course, if Your Honor requires anything further, plaintiffs and their undersigned counsel will abide.

Sincerely,

/s/ Matthew B. Weisberg
MATTHEW B. WEISBERG

MBW/hcm

Enclosure

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